



October 31, 2022

U.S. District Court  
Judge Christopher C. Connor  
Middle District of Pennsylvania  
PO Box 983  
228 Walnut Street  
Harrisburg, PA 17101

Re: Lopez et al. v. Wetzel et al.  
Civil No. 3:21-cv-1819  
Citation of Supplemental Authorities Pursuant to F.R.A.P. 28(j)

Dear Judge Connor:

On August 17, 2022, Defendants filed Objections to the Report and Recommendation, issued by Magisterial Judge Mehalchick on August 3, 2022. On pages 9 through 12 of their Objections, Defendants argued pursuant to the Third Circuit holding in, *Porter v. Pennsylvania Dep't of Corrections, et al.*, 874 F.3d 431 (3d Cir. 2020), they are entitled to qualified immunity for the Eighth Amendment claims. This holding was affirmed in *Johnson v. Pennsylvania Department of Corrections*, 846 Fed. Appx. 123 (3d Cir. 2021), when the Third Circuit confirmed it was bound by its prior holding in *Porter*.

Defendants would like to direct the Court's attention to, *Williams v. Wetzel, et al.*, 2022 WL 2869316 at \*9, (E.D. Pa. July 21, 2022). The Eastern District Court of Pennsylvania held, where a death row inmate challenges the conditions of his solitary confinement under the Eighth Amendment, it was bound by *Porter*. *Id.* The Eastern District Court granted Defendant's motion for summary judgment as related to qualified immunity under the Eighth Amendment pursuant to *Porter*. *Id.*

As determined by the Third Circuit in both *Porter* and *Johnson*, and now in a district court in *Williams*, Defendants in the underlying matter are entitled to qualified immunity for the Eighth Amendment claims.

If you have any further questions or concerns, please feel free to contact me directly.

Respectfully,

*Kim Adams*

Kim Adams  
Assistant Counsel

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GEORGE LOPEZ, et al.,	:	
	:	
Plaintiffs,	:	Civil No. 3:21-CV-1819
	:	
v.	:	(CONNER, J.)
	:	(MEHALCHICK, M.J.)
JOHN E. WETZEL, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the foregoing Status Report Correspondence upon George Lopez (CZ3198), Darien Houser (GC7509), Gerald Watkins (DD5212), Jose Uderra (CC3832), Ralph Stokes (AY9034), Richard Poplawski (KB7354), and Mark Spotz (DA4586) at Smart Communications/PA DOC, SCI Phoenix, PO Box 33028, St. Petersburg, FL 33733.

/s/ Amy Russell  
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Amy Russell  
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Dated: October 31, 2022